

REMARKS

With respect to the objection to the absence of a summary, the language of the C.F.R. is explicit that other elements are required but uses permissive language in connection with the summary of the invention. 37 C.F.R. 1.73 ("Such summary should, when set forth, be commensurate...". Emphasis added). Thus, this assignee always leaves out the summary of the invention. Since there is no requirement, reconsideration is respectfully requested.

Claim 18 is rejected under 35 U.S.C. §103(a) as being unpatentable over Leiter (U.S. Patent No. 5,022,744), and separately as being unpatentable over Bawolek (U.S. Patent No. 6,055,095). Amended claim 18 calls for detecting the on/off state of a light associated with a removable imaging unit of a microscope, analyzing an image captured by the imaging unit, and setting the color balance of the imaging unit at least in part based on an analysis of the image, the on/off state of the light, and the nature of the light. Neither Leiter nor Bawolek disclose a removable imaging unit of a microscope. Thus, neither reference discloses detecting the on/off state of a light associated with a removable imaging unit of a microscope. Reconsideration of the rejection is requested.

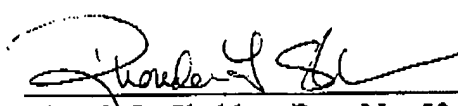
Claim 25 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Bawolek in view of Seok (U.S. Patent No. 5,909,950). Bawolek does not disclose the use of a detector for detecting the ON or OFF state of a light source. Paper No. 02172005, page 7. The examiner relies on Seok to cure the deficiency of Bawolek. But, Seok relates to refrigerator lamps. Because Seok is not in the same field of endeavor as the applicant, Seok is non-analogous art. For example, a refrigerator and microscope do not have the same function or structure. Moreover, it has not been shown where the prior art teaches or suggests the desirability of doing what the applicant has done. Thus, the purpose provided in the Office action appears to be based on inappropriate hindsight reasoning. For at least these reasons, reconsideration is requested.

In view of the amendments and remarks herein, the application is believed to be in condition for allowance. The examiner's prompt action in accordance therewith is respectfully requested.

The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504 (ITL.0415D1US).

Respectfully submitted,

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